Human Rights

A Newsletter Reviewing
Human Rights Developments
in Manitoba

THE MANITOBA HUMAN RIGHTS COMMISSION
LA COMMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

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On March 19 a Winnipeg ceremony marked the International Day for the Elimination of Racial Discrimination and honoured students who participated in a human rights sticker project. Here, Commission Vice Chair Cheryl Dumont presents a certificate to student Tyrone Kubesh as the Hon V.E. Toews (Minister of Justice) and the Hon. R. Vodrey (Minister of Culture, Heritage and Citizenship) look on. Carol Moar (a teacher from Elwick Community School) watches proudly.

Hostess for the event was Ms. Sheri Musa, the Community Outreach Coordinator for the City of Winnipeg's Community and Race Relations Commitee. Another purpose of the event was to launch activities by the Coalition for Human Equality in support of the International Day and for the 50th anniversary of the Universal Declaration of Human Rights.

All Students who contributed a sticker design were invited to

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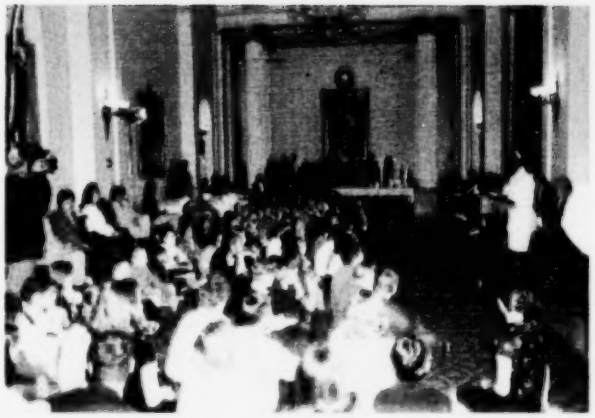
attend. Particularly suitable music was provided by the lovely voices of the Gordon Bell High School Choir, under the leadership of Don Askholm, Gordon Bell Music Director.



From Chairperson Filkow's speech:

The Commission is aware that the greatest opportunity to develop attitudes which value diversity and promote equality of opportunity occurs at a very early age. Because it is young people who speak most effectively to other young people, the Commission invited several schools to participate in designing a series of stickers in English, French and Michif. Nine of the designs were selected to be used to promote an understanding and awareness of human rights issues.

Your Human Rights Commissioners

Late in 1997, new legislation reduced the number of Commissioners from 13 to 10. The previous Chairperson was re-appointed, and a new Vice-Chairperson selected.

Kenneth Filkow Q.C. has recently been reappointed as Chairperson of the Commission for a third term. He combines his work as Chairperson with an active law practice as a senior partner of the *D'Arcy and Deacon* firm in Winnipeg. The emphasis of his practice is

advice and counsel to business corporations. He is a Past President of *CASHRA*, the association of Human Rights Commissions across Canada.

Cheryl Dumont is the new Vice-Chairperson, and she was formerly a Commissioner. She is the Director of the Manitoba Metis Federation's Human Resources Training and Development Department. She has been a municipal councillor with the R.M. of Saint-Laurent since 1989, has served on many municipal committees and has represented the municipality on many boards. She is also involved with the *Societe Franco-Manitobaine*. She is married, with three children.

Dr. Amarjit S. Arneja was born in Punjab, India and migrated to Winnipeg in 1973. He has been a Commissioner since 1994. He is an Associate Professor of Medicine at the University of Manitoba and is active in clinical practice, teaching and research. He is past newsletter editor of the *Manitoba Tennis Association*, and has been a Director of the Association for several years. At present, he is a Director and Trustee of the *India Association of Manitoba*. He is actively involved in cultural, community and temple organizations.

Alfredo (Fred) Arrojado is an Insurance Consultant with Zurich Life Canada. He holds a B.A. in Business Administration. He is a Managing Partner of *Solutions 2000* and *Prosperity 2000* Consulting in Winnipeg. He is Past President of the *Philippine Association of Manitoba*, and a Council Member of the *MEBAC/FBDB*. He is an active community volunteer, assisting new immigrants on settlement and immigration issues.

Roland Boisvert owns Falcon Auto Leasing Inc. He has been self-employed in the auto industry since 1976. He is also a consultant to small and medium-sized companies in Manitoba. He is very involved in the French community, and is a Past-President of the *Festival du Voyageur* and other organizations.

Robert Bone is a farmer who resides on the Sioux Valley Reserve. He was Chief of Sioux Valley for eight years. He was previously employed off-reserve for 14 years. Mr. Bone was elected to the *Brandon University Foundation Board* in 1992. He has been married to Brenda for 21 years and is the father of five daughters. Currently he does volunteer work for the *Manitoba Association of Native Producers*.

Philip Lee is a Research Chemist with the City of Winnipeg. He is a former Chairperson of the *University College Residents Committee*, is a senior member of the *Chemical Institute of Canada*, a Director of the *Chinatown Development Corporation* and the First Vice-President of the *Winnipeg Chinese Cultural and Community Centre*. Mr. Lee is married with three children.

Piara Sharma is President and CEO of Adwest Promotions Inc. He has served on various ethnic organizations such as *The Manitoba Inter-Cultural Council* and *The India Association of Manitoba*. At present he is the Chairman, Trust, *Hindu Society of Manitoba*. He is also, at the national level, Chairman of the Immigration and N.R.I. Affairs Committee of *The National Indo-Canadian Council*. Mr. Sharma is married with seven children.

Randal Smith lives in Brandon. Called to the Bar in 1980, he carries on a general practice under the name of Smith Legal. He is a Past President of The *Manitoba Bar Association*. Mr. Smith has also served as an Adjudicator under The Canada Labour Code, as a Chair of the

Canada Pension Plan Review Tribunal. He regularly writes articles on legal issues.

Dianne Vandewater obtained her Bachelor of Arts Degree in 1990 from the University of Manitoba, majoring in French. She resides in Winnipeg and is currently employed at Faneuil ISG Inc. as a Teleservice Representative. She is active in her church and in community events.

HUMAN RIGHTS DAY, 1997

Mayor Atkinson strikes the match.
Photo Courtesy of The Brandon Sun

Brandon's Human Rights Day
by Ida Erickson

On the morning of December 10 we held an open house in the Brandon Provincial Building. Coffee, dainties and lots of welcoming good cheer were provided by the Commission. A candle lighting ceremony was led by Mayor Reg Atkinson, who appears to to setting his tie on fire in the photograph to the left, but is actually striking a match to light the human rights candle

Invitations had been sent to many organizations in the city. As usual, attendance was very good. Approximately fifty people participated, including Commissioner Randy Smith and former Commissioner Polly Pow. Their support was appreciated by the Commission staff.

Human Rights Day in Winnipeg

On December 10, The Community Legal Education Association (CLEA) hosted its annual luncheon to celebrate Human Rights Day. His Honour The Honourable Yvon Dumont conducted the candle-lighting ceremony.

The CLEA Manitoba Human Rights Achievement Award and The Human Rights Journalism Award were also presented.

Entertainment was provided by comedian Gord Paynter, who drew on his own life experiences as a legally blind person who has had to overcome barriers and stereotypes.

Winners of the 1997 Manitoba Human Rights Achievement Awards, sponsored by CLEA, were Lyle Smordin, President of B'Nai Brith Canada, and Lloyd Terry, a disability rights activist. Mr. Smordin has worked for many years combating racism and anti-semitism. Mr. Terry has been involved with many human rights organizations, and is currently Chairperson of the Manitoba Home Care Coalition.

The Human Rights Journalism Awards, co-sponsored by the Commission, The Winnipeg Press Club and CLEA, were also presented. Nick Martin won an award for his article in The Winnipeg Free Press on running for political office. Kathleen Martens received an award for her article in The Brandon Sun on bullying in school. And Fred Valance-Jones received an award for his piece on war veterans which was aired on CBC radio.

Award winners in front, left to right: Lyle Smordin, Lloyd Terry;
In rear: Nick Martin, Fred Valance-Jones, Kathleen Martens.

And now, in 1998:

- **50th** anniversary of the Universal Declaration of Human Rights
- **20th** anniversary of the Canadian Human Rights Commission
- **27th** anniversary of the Manitoba Human Rights Commission

Celebrating Fifty Years of Human Rights Protections

In the late 1940's nations struggled to come to grips with the massive violations of human rights that occurred during World War Two. The new United Nations undertook to pull together a declaration on human rights which could be supported around the world.

It was not easy. Cultural and political differences between nations led to significant disagreements over basic issues. The process took over a

year of discussions.

But a consensus was achieved, and on December 10, 1948 the United Nations adopted the Universal Declaration of Human Rights.

New Protections for Old Problems

The Declaration had thirty articles based on the freedoms of speech and religion, and freedom from fear and want. The Declaration prohibited torture, guaranteed the equality of peoples and the right to life, liberty and security. But the Declaration went further, also including a right of people to "a standard of living adequate for ... the health and well-being" of people.

The Declaration acted like a rock thrown into quiet water, with its ripple effects washing over the world. Human Rights Commissions were established in many nations and human rights law came into its own.

1998-A Big Year!

One event already planned is the creation of a Youth Credo of the Top Ten Human Rights. A joint project of the Department of Canadian Heritage and of MuchMusic/MusiquePlus, the compiled Top Ten will be announced on December 10, 1998. To get more information, call 1-888-852-3456, or try the website at www.credo98.com. Monthly prizes are available for youth who participate.

One of the Commission's projects has been the creation of a series of stickers on human rights issues. The Commission also participated in the event described on the front page, which marked the Declaration's 50th Anniversary and also the International Day for the Elimination of Racism.

Plans are currently underway for national and provincial events to celebrate International Human Rights Day. Please keep reading this newsletter for more information, or contact the Commission or any other organization involved in human rights!

Human Rights Education in the North

by Lee Simmons

The staff of our regional office in The Pas have been busy delivering workshops and speaking engagements on topics including racial and sexual harassment, working towards a respectful workplace, and other human rights issues.

If your Northern business, school service agency or community group is interested in a free workshop or presentation, please phone 204-627-8271 (collect calls accepted) or fax us at 204-623-5404. Each workshop and presentation will be modified to suit your individual needs.

Videos are available to borrow free of charge. Titles include Playing Fair (for elementary school students) and First Nations, The Circle Unbroken (on issues affecting Aboriginal peoples). Print materials are also available at no charge.

The Human Rights Advocacy Course graduated 20 participants in a ceremony at Winnipeg's Chinese Cultural Centre on December 16, 1997. The course trains community members in human rights law. It was publicized by CLEA's Leo Aniceto and was facilitated by Commission Officer Rich Ludwick. Pictured are graduate Salndjdukou Nodjitoloum, Ludwick, the graduate's son, and Commission Executive Director Dianna Scarth.

1997 COMPLAINT STATISTICS		
GROUNDS	**NUMBER**	**%**
ANCESTRY	72	16.14
NATL. ORIGIN	13	2.91
DISABILITY	128	28.71
AGE	46	10.31
SEX	98	21.97
MARITAL/ FAMILY STATUS	33	7.40
SOURCE OF INCOME	7	1.57
SEXUAL ORIENTATION	11	2.47
RELIGION	14	3.14
POLITICAL BELIEF	2	0.45
OTHER	22	4.93
TOTAL	**446**	**100%**

446 cases: the highest number of complaint files opened since 1984.

Human Rights and Sexual Orientation

Biased treatment in medical care facilities of clients because of their sexual orientation, and the high number of suicides of gay teens, are two key issues for the Gay/Lesbian Resource Centre (284-5208 [in Winnipeg, 7:30pm - 10pm Monday thru Saturday], or 1-888-399-0005 [outside Winnipeg only]).

The Winnipeg Resource Centre's Breaking Barriers Project conducted a survey published in June, 1996. Some respondents said they were prevented from visiting their partners in medical care facilities because hospital staff did not recognize them as "family" . Also, they were not allowed to discuss the medical condition of the patient with hospital staff because they were not seen as family members.

Other problems included assumptions by care providers that patients and visitors were heterosexual. Women's health issues in general, and lesbian issues in particular, appeared to be invisible to some care givers.

Since the survey was published, the Breaking Barriers Project (478-1160) has delivered 41 training workshops to care providers in Manitoba. The workshops have been held in various settings, including hospitals, clinics and the Schools of Nursing, Medicine and Social Work at the University of Manitoba.

Donna Huen of the Breaking Barriers Project says the workshops have helped "but discrimination still exists. Our presentation at the College of Family Physicians' Scientific Assembly in March helped."

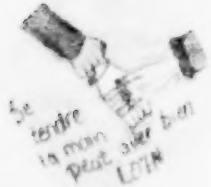
Another major concern is the high suicide rate among gay teens The workshops address this issue. A 1996 Calgary survey looked at men between 18 to 27. About 13 percent identified themselves as gay or bisexual. They were 13.9 times more likely than heterosexuals to commit suicide. They were nearly three times more likely to have tried to hurt themselves. Causes included isolation, negative messages and stereotyping.

Interested people are invited to contact the Project for more information.

International Day for the Elimination of Racial Discrimination, 1998

Mark Nunez

Martine Solomon



Kathleen Rivest

Desireé Bruce

Tyrone Kubesh

Sticking Up for Human Rights

These nine stickers were created by children from three schools in a commission project for the international day for the Elimination of Racial Discrimination.

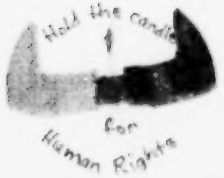
Full colour sheets of the stickers are available at no charge, but only limited numbers were printed. Please call the Commission at (204) 945-3007.

The Commission extends a very special thanks to the schools which so generously assisted this project:

Elwick Community School: Ms. Eadie Wilde, Principal, and teachers Mrs. Melstead, Mr. Yarish, Mr. Bilyk, Mr. Valanis, Mr. Kroeker, Mrs. Clyde and Ms. Campbell.

Collège Louis-Riel: Monsier Alexis Bertrand, Directeur, and Monsieur Mayur Raval, Professeur.

L'école Communautaire Aurèle-Lemoine: Monsieur Louis Allain, Directeur, and teacher Mme. Mona Buors.



Gina Santos

Julie Cloutier

Jessica Coutu

Annick Carrière

Vogel Decision: Ensuring Human Rights

An Adjudicator's decision handed down in November, 1997 has concluded proceedings on a complaint filed by Chris Vogel against the Manitoba Government on the issue of employee benefits involving same sex spouses.

Adjudicators are appointed by the Minister of Justice on request of the Commission. They are independent of both the Commission and the Department of Justice.

Adjudicator Thomas Goodman directed the government to extend benefits to same sex spouses of government employees under its Dental, Group Life Insurance, Extended Health Care and Employees' Ambulance, Hospital and Semi-Private Plans. However, Adjudicator Goodman declined to order the Government to extend benefits under the Civil Service Superannuation Plan, which Mr. Vogel had also requested. This was because the extension of pension benefits would result in a deregistration of the plan under The Income Tax Act. The Adjudicator stated, however, that "Should The Income Tax Act be amended to cure its discriminatory aspect, I expect the Government would implement appropriate changes to the pension plan."

This complaint was initially heard by Adjudicator Goodman several years ago. His original decision to dismiss the complaint was upheld by Justice Hirschfield of the Manitoba Court of Queen's Bench. However, the Commission appealed. In June, 1995 the Manitoba Court of Appeal ruled that the analysis of the meaning of discrimination undertaken by the Supreme Court of Canada in Egan and Nesbitt v. Canada under s. 15 (1) of the Charter is applicable to s. 9 of The Human Rights Code as well.

The Court of Appeal overturned the findings of the Adjudicator and the Court of Queens Bench, ruling that the employers benefits policies clearly discriminated against Mr. Vogel on the basis of his sexual orientation. The Court reffered the matter back to the Adjudicator. The government was given the opportunity to justify this diffirential treatment, but Adjudicator Goodman found that the government had failed to justify its position, and directed that coverage be extended in all of the plans with the exception of pension benefits.

The Commission's Chairperson, Ken Filkow Q.C., noted that although the decision dealt with Manitoba Government employees, it has significant implications for the private sector: "Government has set the lead for large corporations to follow and reinforce that kind of coverage."

Mr. Vogel says that although he has been somewhat critical in the past about the amount of time which is often taken to process and resolve human rights complaints, "the passage of time in this case was essential to the successful outcome of the complaint." He noted that by the time his complaint reached the Manitoba Court of appeal, case law and public opinion had evolved significantly. In Mr. Vogel's opinion, public education is a critical component in the development of human rights protections, and it is a mistake for activists or human rights Commissions to overlook this area.

Laidlaw School Pledge Against Racism

As a member of this school, I promise: I will treat everyone equally because we are all the same inside ... I will stand up for others who are being treated unfairly because I will think how I would feel ... I will stop racist jokes and remarks ... I will not make fun of someone because they are from a different place or because of what they believe in. I will be blind to the colour of skin.
(The Laidlaw Student Committee Against Racism)

The above pledge was developed as part of anti-racism activities on March 26-27.

Human Rights From Manitoba, the name of this newsletter, was created by Commission staff member Lora Wachtendorf.
The newsletter is edited by staff member Victor Schwartzman.

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